

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JUAN RIVAS,)
)
 Plaintiff,)) 5:19-CV-1216
 v.)
)
 BEXAR COUNTY,)
)
 Defendant.)

NOTICE OF REMOVAL

COMES NOW, DEFENDANT BEXAR COUNTY and files this Notice of Removal pursuant to 28 U.S.C. § 1446(a).

INTRODUCTION

1. On September 5, 2019, Plaintiff Juan Rivas filed an Original Petition in Cause No. 2019-CI-18523, *Juan Rivas v. Bexar County*, in the 131st Judicial District Court, Bexar County (“State Court Action”).¹
2. The citation for was issued on September 10, 2019 and served on Defendant Bexar County on September 11, 2019.²
3. On October 4, 2019, Defendant Bexar County filed its Original Answer.
4. Defendant Bexar County is filing file its Notice of Removal within the 30-day period required by 28 U.S.C. § 1446(b).

¹ A certified copy of Plaintiff’s Original Petition is attached as Exhibit A.

² A certified copy of the Citation and Return of Service is attached as Exhibit B.

BASES FOR REMOVAL

5. Removal to this Court is proper because Plaintiff's claims present federal questions within the subject matter jurisdiction of this Court pursuant to 28 U.S.C. §§ 1331 and 1441(a). Plaintiff asserts a single claim pursuant to 42 U.S.C. § 1983, alleging that officers employed by the Bexar County Sheriff's Office used excessive force when arresting him, in violation of his rights under the First, Fourth, and Fourteenth Amendments to the United States Constitution. Orig. Pet. at ¶¶ 5-9. Plaintiff does not assert any claim under state law, but to the extent that Plaintiff intends to assert such a claim, it would be one over which this Court would have supplemental jurisdiction pursuant to 28 U.S.C. § 1337.

6. Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants remove this action to the United States District Court for the Western District of Texas, San Antonio Division, which is the judicial district and division in which the state court action is pending.

7. All pleadings, process, orders, and other filings in the state court action are attached to this notice as required by 28 U.S.C. § 1446(a).

8. Bexar Court is the only Defendant named in this case.

INDEX OF EXHIBITS

9. All file-stamped pleadings, process, orders, and other filings in the state court action are attached to this notice as required by 28 U.S.C. § 1446(a). Those filings consist of the following:

- a) Exhibit A: Plaintiff's Original Petition;
- b) Exhibit B: Request for Process, Citation, and Return of Service for Defendant Bexar County;
- c) Exhibit C: Defendant Bexar County's Original Answer; and
- d) Exhibit D: State District Court Docket Sheet.

JURY DEMAND

10. Defendant demands a jury trial.

CONCLUSION AND PRAYER

For the foregoing reasons, Defendant respectfully requests that the Court uphold this removal and to retain jurisdiction over this suit.

Respectfully Submitted,

JOE GONZALES
Bexar County Criminal District Attorney

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CERTIFICATE OF SERVICE

I do hereby certify on the 10th day of October, 2019, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which provided electronic service upon the following:

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